



Steven L. Ledoux
Town Manager

TOWN OF ACTON
472 Main Street
Acton, Massachusetts, 01720
Telephone (978) 264-9612
Fax (978) 264-9630

Acton Beacon Legal Ad Division (Barbara)

Below please find a copy of a legal advertisement to appear in the Acton Beacon on January 1, 2009 and January 8, 2009.

Please send the bill to: Kenneth Sundberg
20 Henley Road
Acton, MA 01720
978-815-3560

Please send proof copy and tear sheet to:

Town Manager's Office
472 Main Street
Acton, MA 01720
Fax # 978-264-9630

Very truly yours,

Christine Joyce
Town Manager's Office

LEGAL NOTICE
TOWN OF ACTON
NOTICE OF HEARING

The Acton Board of Selectmen will hold a public hearing on January 26, 2009 at 7:40 PM in the Francis Faulkner Hearing Room in Town Hall, 472 Main Street, Acton, on the Site Plan Special Permit #06/05/07-411 Amendment to modify the original approved plan from a two story structure to a one story structure, at 253 Main Street. The application and accompanying plans by Kenneth Sundberg, can be inspected at the Town Hall during normal business hours.

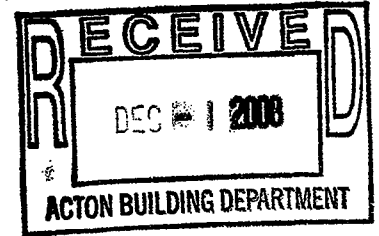
ACTON BOARD OF SELECTMEN

**Ken Sundberg
20 Henley Road
Acton, MA 01720
978-815-3560**

DEC - 1 2008

December 1, 2008

Board of Selectman
460 Main Street
Acton, MA 01720



RE: 255 Main Street; Site Plan Special Permit #06/05/07-411

Dear Lauren S. Rosenzweig, Chair

I am requesting for approval on a modification to the above-referenced site plan.

I wish to change the proposed building originally presented as a 2 story brick structure. I now wish to modify the building to a one story structure. This is due to the issues with the economy and the flood of vacancies for office space. I have determined the expensive 2 story building will run at a negative cash flow even if it 100% occupied at current average rents in Acton. I, as a small local businessman, cannot afford to run a business in the red.

The attached plans have been extensively discussed with the Design Review Board. The Minutes of 10/01/08 clearly state the modifications to the plan. The building is a one story "cottage" style structure. It is completely within the originally approved building foot print. Sorrento's and Ratti Handa Dentistry (formerly Smiles by Mandelbaum) shall remain in their current spaces. I am currently searching for a new tenant for the new space.

The other changes have been discussed with the DRB regarding the site plan. The meeting was held on October 1, 2008. The changes discussed are as follows:

Relocate the crosswalk to the north side of the front parking lot. It would connect to the street sidewalk to the west side of the property and to the patio on the east side of the property. My engineers, Stamski & McNary, indicated to me that the side walk would meet ADA standards regarding the slope of the walk.

A wider sidewalk along the front of the building would be more attractive to the customers. The sidewalk on the Site Plan is designed to be 8 foot 6 inches. My engineer informs me that the site is too tight to make it any wider. It was thought at DRB meeting that it appeared to be closer to 6 feet wide.

I agree to the suggestion that the patio be expanded to the north side of the original proposed patio. This change would take away minimal planned landscaping. This would add approximately 170 s. f. to the patio. I would expand the patio to the parking space just south of the proposed patio. Final size 18' x 23'.

I agree with changing up the look of the front elevation with different style windows as shown on the attached plan.

The Italian Restaurant and Gelato Café has been abandoned by Sorrento's. Another victim of the economy.

I was missed informed regarding the "oak hardiplank". The siding will be textured hardi board.

The dormers have been enlarged as a pediment gable and the cupola has been eliminated.

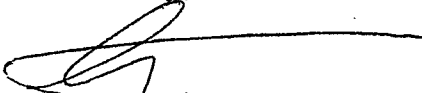
I am considering a better and more expensive door to be used on the building. It will be determined by cost and the tenant's agreement to share in the cost.

I agree a more attractive lighting in the front parking lot would be more desirable. I have reviewed several alternative fixtures, but they are not to my liking thus far. I suggest that I bring to you the specifications of the settled upon fixtures for approval prior to that stage of construction.

I appreciate the Board's consideration of the changes proposed in this letter. I have made appropriate payment to the Town of Acton. Also, I have attached a copy of this letter to each of the set of plans being submitted with this request.

Please feel free to contact me at 978-815-3560 or at ken@kensundberg.com.

Sincerely,


Ken Sundberg



Planning Department

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (978) 264-9636
Fax (978) 264-9630
planning@acton-ma.gov

INTERDEPARTMENTAL COMMUNICATION

To: Steven Ledoux, Town Manager **Date:** January 15, 2009
From: Scott A. Mutch, Zoning Enforcement Officer & Assistant Town Planner
Subject: Site Plan Special Permit Application #06/05/07-411 - **Amendment**

Location: 253 Main Street
Applicant: Ken Sundberg, 20 Henley Road, Acton, MA 01720
Owner: The Sundberg Family Acton
Nominee Trust
Engineer: Stamski and McNary, Inc., 80 Harris Street, Acton, MA 01720
Previous Site Plans: #06/05/07 - 411 issued November 5, 2007
#04/09/71 - 0014
#04/26/74 - 0083
#12/18/90 - 0329
Zoning: Kelley's Corner (KC)
Groundwater Protection District Zone 4
Proposed FAR: 0.13 (maximum is 0.20); 0.4 permitted subject to certain design
requirements
Proposed Uses: Restaurant, Dentist's Office and other Professional or Business Offices
Map/Parcel: F-3/121-1, 121-2
Hearing Date: January 26, 2009
Decision Due: April 26, 2009

Attached are the legal ad, application, plan sheets, and departmental comments. As of this date, comments have been received from the Town of Acton's Engineering Department, Health Department, and the Municipal Properties Department/Tree Warden. Upon review of the submitted comments thus far, it does not appear that any of the issues and questions raised could not be addressed through appropriate site plan conditions.

The applicant is proposing to enlarge an existing commercial building by constructing a 3,050 ft² single story addition. The existing building is approximately +/- 3,700 ft² in size and will essentially remain as it currently exists. Proposed site improvements include an enlargement of the existing restaurant use and additional professional and business office space in addition to septic system upgrades, general site grading improvements and an expanded parking lot area.

The property was previously the subject of a site plan special permit (06/05/07- 411) on November 5, 2007 in which a similar 2 story brick structure/addition totaling 10,138 ft² (0.20 FAR) was

approved. According to the applicant, the reason for this site plan modification is due to the current economic climate conditions which have rendered the previously approved 2 story structure/addition economically unrealistic, however, the applicant wishes to proceed with a single story structure/addition at this time.

The Site Plan:

The entire site is approximately 1.16 acres in size and consists of two smaller individual parcels in common ownership. The front parcel (Parcel 121-1) directly abuts Main Street on the west and Beverly Road to the south and is approximately 0.8 acres (35,370 ft²) in area. The rear parcel (Parcel 121-2) is approximately 0.4 acres (17,164 ft²) in area. The subject property is located within the Kelley's Corner (KC) zoning district.

The currently existing 3,700 ft² single story structure was constructed in 1965 (as per the Town of Acton Assessor Office information) and is currently utilized as a doctor's office and restaurant use. There is also an asphalt paved parking area located in the front of the building on the western side of the building.

The proposed addition will be constructed on the northern side of the existing structure and is not proposed to encroach into any front, side or rear yard setbacks. The proposed relevant zoning information for the subject site is summarized in the following table:

By-Law Requirements	Required	Existing	Proposed
Min. Lot Area (ft ²)	10,000 ft ²	52,534 ft ² **	52,534 ft ²
Min. Lot Frontage (ft)	100'-0"	127.24'	127.24'
Min. Front Yard (ft) - West	30'-0"	73'-0"	73'-0"
Min. Front Yard (ft) – South	30'-0"	29'-0"	29'-0"
Min. Side Yard (ft) – North	NR	66'-0"	+/-6'-0"
Min. Side Yard (ft) – Southeast	50'-0"	46'-0"	46'-0"
Min. Rear Yard (ft) – East	NR	159'-0"	153'-0"
Max. Building Height (ft)	36'-0"	Unknown	Not Identified
Max. F.A.R. (Floor Area Ratio)	0.40	0.07	0.13
Open Space	NR	Unknown	4%
Parking Requirements	Required	Existing	Proposed
Use: Office (1,138ft ²) 1 space/250ft ²	5		
Use: Retail (1,500ft ²) 1 space/300ft ²	5		
Use: Restaurant (70 seats) 1 space/3 seats	24		
Total Number of Spaces Required as per Section 6.3.1:	34	25	51
70% Permitted reduction as per Section 6.9.5.3	34 x 70% = 24		51

* ZBL Table of Standard Dimensional Regulations states in footnote #6 that "If the lot abuts a residential zoning district the minimum side and rear yard shall be 50 feet. On lots in existence on or before February 15, 1990 where the minimum side or rear yard exceeds 20% of the lot depth, the side or rear yard may be reduced to 20% of that lot depth, but not to less than 30 feet. Lot depth shall be measured in a line that is perpendicular to the applicable side or rear lot line."

** The lot area on record with the Town of Acton's Engineering Department and Assessor's Office (which is provided in the above chart) is different than the lot area number which the applicant indicates on the submitted set of plans. The total lot area for the property provided in the chart above, is consistent with the lot areas indicated on the property deeds.

Planning Department Comments

1. The applicant should explain why there is such an excess number of parking spaces being proposed for the site. Section 6.3.1 of the Zoning By-Law only requires 34 parking spaces to be provided. Section 6.9.5.3 permits the minimum number of required parking spaces to be reduction to 70% of the number required under Section 6.3.1. Therefore, only 24 parking spaces are required to be provided. The currently submitted building permit plans are proposing 51 parking spaces.
2. The applicant had previously indicated a 52 seat restaurant and the currently submitted plans are indicating a 70 seat restaurant. This is in addition to the proposed office space in the new building portion. The submitted plans indicate a proposed connection to the public sewer system.
3. The applicant should submit a complete landscape plan to be reviewed and approved by the applicable disciplines prior to building permit issuance. The landscape plan must comply with all requirements set forth in the Zoning By-Law, Section 10.4.3.5(2). It is most important that this By-Law requirement be applied to the southern and south east portions of the subject property as it is the closet area of the proposed project which directly abuts a residential zoning district. The Town of Acton's Rules and Regulations for Site Plan Special Permits, Section 3.9.1 Design Certifications specifically require a Registered Landscape Architect to sign and seal the proposed landscape plan. The applicant should also be aware that the Acton Water District is now promoting drought sensitive species and varieties.
4. The applicant should submit a complete lighting plan for the subject property that identifies all new and existing installations which complies with all requirements set forth in Section 10.6 of the Zoning By-Law. This lighting plan shall be certified to be valid and correct by its designer.
5. The applicant should describe and verify how they are planning to adequately deal with and manage on-site snow storage. A minimum of 24 available parking spaces must be maintained on-site at all times.
6. A condition should be considered which states that the existing driveway accessing the property off Main Street would be closed upon the creation of a common driveway between the subject property (253 Main Street) and the immediately adjacent property to the north (Bowladrome).

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Acton, Massachusetts, 01720
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Engineering Department

INTERDEPARTMENTAL COMMUNICATION

To: Building Department Date: January 13, 2009
From: Engineering Department
Subject: Site Plan Special Permit Amendment – 253 Main Street


The Engineering Department has the following comments in regards to its review of the Site Plan Special Permit Amendment for 253 Main Street:

The Motor Vehicle Crash Police Reports indicate that there are a number of crashes at the intersection of Main Street and Beverly Road as well as the Kmart parking lot.

Due to these findings, our recommendation would be adding a condition to the owner's properties (253 & 257 Main Street) considering the consolidation or relocation of the driveway openings for both properties when and if a larger development occurs that would potentially increase the traffic entering or exiting onto Main Street.

ACTON MUNICIPAL PROPERTIES DEPARTMENT

INTERDEPARTMENTAL COMMUNICATION

To: Building Department **Date:** 12/17/08
From: Dean A. Charter, Municipal Properties Director 
Subject: Landscape review, 253 Main Street (Sundberg) Amendment

1. A landscape plan was not submitted with this application. The site is similar to the earlier plan, but there are some differences (such as access points) that would impact the landscaping. A new plan should be submitted.
2. Prior to final inspection of the plantings by the Tree Warden, the applicant is to submit a letter, stamped and signed by the Landscape Architect of record, that the plantings were installed in compliance with commonly accepted industry practice, that they comply with the American Standard for Nursery Stock (ANSI Z60.1-2004), and that the actual plantings are consistent with the approved landscape plan.



INTRADEPARTMENTAL COMMUNICATION

Acton Board of Health - Telephone (978) 264-9634

TO: Building Dept.
FROM: Justin T. Snair, Health Dept.
RE: Comments 253 Main St.

DATE: December 30, 2008

After review of the application and plans for 253 Main St, the Health Department has the following comments:

Comments:

- Additional occupancy may result in an increase in solid waste stream. Disclosure of Solid Waste Management Plan (current solid waste stream, expected stream with proposed changes, position of additional dumpsters if needed) is required.

CC: Doug Halley, Director; Health Dept.